

LINDA LINGLE
GOVERNOR



PROCUREMENT POLICY BOARD
DARRYL W. BARDUSCH
LESLIE S. CHINEN
DARYLE ANN HO
KEITH T. MATSUMOTO
RUSS K. SAITO
PAMELA A. TORRES

AARON S. FUJIOKA
ADMINISTRATOR

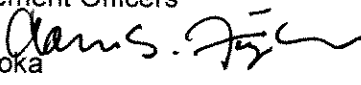
**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 587-4700 Fax: (808) 587-4703
www.spo.hawaii.gov

August 19, 2009

PROCUREMENT CIRCULAR NO. 2009-08

TO: Office of the Governor
Office of the Lieutenant Governor
Executive Department Heads
State Librarian
Chief Procurement Officers

FROM: Aaron S. Fujioka 

SUBJECT: ACT 175, SLH 2009: PART II, SECTION 3 - Guidance on Procurement of Fresh Meats and Produce, Animals and Plants

This circular is a follow-up to Procurement Circular No. 2009-07 on *2009 Procurement Related Legislation* for guidance and information on ACT 175, SLH 2009.

PART II, Procurement Preferences, SECTION 3 of ACT 175, SLH 2009 mandates the following shall be subject to competition pursuant to HRS Chapter 103D:

- Fresh meats and produce; and
- Animals and plants

These items were previously exempt from the procurement code pursuant to HAR §3-120-4, Exhibit A, Exemption Numbers 5 and 7 as approved by the Procurement Policy Board. Effective July 1, 2009, ACT 175, SLH 2009 prohibits applying Procurement Policy Board or Chief Procurement Officer procurement code exemptions for these specific items as previously allowed pursuant to HRS §103D-102 (b), (4), (L). Attached is Exhibit A to HAR §3-120-4 on *Procurements Exempt from Chapter 103D, HRS* reflecting the changes pursuant to ACT 175, SLH 2009.

The requirements of PART II do not affect any actions or proceedings that were begun before the July 1, 2009 effective date of ACT 175, SLH 2009.

To acquire these items, agencies may utilize the appropriate procurement source selection methods available in the procurement code.

If your staff has any questions, the following SPO staff may be contacted:

Bonnie Kahakui	587-4702	bonnie.a.kahakui@hawaii.gov
Kevin Takaesu	586-0568	kevin.s.takaesu@hawaii.gov
Donn Tsuruda-Kashiwabara	586-0565	donna.tsuruda-kashiwabara@hawaii.gov

or please call me at 587-4700.

Attachment

EXHIBIT A
HAR Chapter 3-120
PROCUREMENTS EXEMPT FROM CHAPTER 103D, HRS
07/17/08

<u>Exemption Number</u>	<u>Exemption</u>
1.	Research, reference, and educational materials including books, maps, periodicals, and pamphlets, which are published or available in print, video, audio, magnetic, or electronic form, including web-based databases;
2.	Services of printers, rating agencies, support facility providers, fiscal and paying agents, and registrars for the issuance and sale of the State's or counties' bonds;
3.	Services of lecturers, speakers, trainers, facilitators and scriptwriters, when the provider possess specialized training methods, techniques or expertise in the subject matter;
4.	Services of legal counsel, guardian ad litem, psychiatrists, psychologists, receivers and masters when required by court order;
5.	Fresh meats and produce; (Deleted pursuant to Act 175, SLH 2009 effective 7/1/09)
6.	Insurance to include insurance broker services;
7.	Animals and plants; (Deleted pursuant to Act 175, SLH 2009 effective 7/1/09)
8.	New or used items which are advantageous and available on short notice through an auction, bankruptcy, foreclosure, etc.;
9.	Food and fodder for animals;
10.	Facility costs for conferences, meetings, and training sessions;
11.	Advertisements in specialized publications, such as in ethnic or foreign language publications, trade publications, or professional publications;
12.	Arbitrator and mediator services;
13.	Interpreter services;
14.	Procurement of repair services when dismantling is required to assess the extent of repairs;
15.	Burial services consisting of mortuary, crematory, cemetery, and other essential services for deceased indigent persons or unclaimed corpses;
16.	Radio and television airtime when selection of station is based on the targeted audience (i.e. ethnic or age group, gender, etc);
17.	Subscription costs and registration or workshop fees for conferences or training; and
18.	Court reporter services.